

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

No. 1:09-CV-479

FEN-PHEN SERIES 2005-01, a series of CAP)
TRAN FUNDING, LLC,)
Plaintiff,)
vs.)
JAMES S. FARRIN, P.C.)
Defendant.)

**PLAINTIFF'S NOTICE OF
APPEAL**

Notice is hereby given that Plaintiff Fen-Phen Series 2005-01, a series of CapTran Funding, LLC in the above named case, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the Judgment entered by the Honorable Judge James A. Beatey, Jr. on July 19, 2010, and the Order entered by the Honorable James A. Beatey, Jr. on July 19, 2010 granting Defendant's Motion to Dismiss.

This the 17th day of August, 2010.

SHIRLEY & ADAMS, PLLC

BY: /s/ Ryan J. Adams
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CERTIFICATE OF SERVICE

I, Ryan J. Adams, do hereby certify that the foregoing Notice of Appeal was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record for defendants: *James L. Gale, T. Matthew Creech, and Matthew N. Leerberg, Smith Moore Leatherwood, LLP, 2800 Two Hanover Square, Raleigh, NC 27601.*

This the 17th day of August, 2010.

SHIRLEY & ADAMS, PLLC

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